To:

Ron Jon Surf Shop of Fla., Inc. (Inktm@hotmail.com)

Subject:

U.S. TRADEMARK APPLICATION NO. 77411069 - THE STOKED - RJ

Museum - Request for Reconsideration Denied - Return to TTAB

Sent:

10/13/2010 9:29:17 PM

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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO:

77411069

MARK: THE STOKED

77411069

CORRESPONDENT ADDRESS:

LISA N. KAUFMAN OFFICE OF LISA N. KAUFMAN 2807 POINCIANA CIRCLE COOPER CITY, FL 33026

GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/main/trademarks.htm

APPLICANT:

Ron Jon Surf Shop of Fla., Inc.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

RJ Museum

CORRESPONDENT E-MAIL ADDRESS:

lnktm@hotmail.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 10/13/2010

Applicant is requesting reconsideration of a final refusal issued/mailed February 28, 2010.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written, with respect to Classes 18, 25 and 35, since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue. The examining attorney has determined, however, that the refusal to register is withdrawn with respect to Classes 6 and 9, only.

Applicant has amended the identification of goods by restricting the channel of trade. However, this restriction does not obviate a likelihood of confusion in this case. If the cited registrations contain no limitations as to their channels of trade or classes of purchasers, then it is presumed that the registrant's goods move in all normal channels of trade and that they are available to all potential customers. *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992); *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981); TMEP §1207.01(a)(iii). In this case, registrants' goods contain no limitations as to their channels of trade and may be sold anywhere, including applicant's museum stores. The examining attorney attaches internet evidence which demonstrates that it is common for the retail store of a museum to sell goods other than promotional items for the museum, itself. See attached web pages from the online stores of The Phillips Collection, The Museum of Modern Art, The Art Institute of Chicago, The Museum of Fine Arts, Boston and The Field Museum. In each case, the museum sells jewelry, clothing and a variety of bags that are not promoting the particular museum. In fact, in most cases, these goods are manufactured by third parties and sold by the museum stores.

Accordingly, applicant's request for reconsideration is *denied* with respect to Classes 18, 25 and 35. The time for appeal runs from the date the final action was issued/mailed. 37 C.F.R. §2.64(b); TMEP §715.03(c). If applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

/Wendy B. Goodman, Esq./ Trademark Attorney Law Office 109 (571) 272-9276 (phone) wendy.goodman@uspto.gov

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at http://tarr.uspto.gov. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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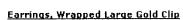






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Black

Red

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Fleece Hat \$26.95 - 35.00



Fleece Jacket \$200.00

Fleece Scarf 1999

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Made in Sweden

Size: 13w x 54"l

Black Item# 40713

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Red Item# 74499

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Made in Sweden

Size: One size fits most

🗎 Gift Wrap Available

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The construction of this bag is inspired by

popular Bilbao series, this bag is made of

synthetic triangles in an elegant palette of copper, gold, and black adhered to flexible

mesh cloth. Adjustable leather straps and

Size: Bag: 13.5h x 13.5w, Strap: 18.25"l.

panels of metal that steel workers fuse

together to create three-dimensional structures. The latest addition to the

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Bilbao Lucent Tote

Issey Miyake, 2010

one interior pocket.

Item# 84741 \$450.00

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Furisode Tote

Japanese furisode is the most formal style of kimono traditionally worn by women before marriage. The bright colors and richly decorative designs on our dramatic tote are adapted from a furisode in the museum's permanent collection. Tote has an interior zippered pocket and a bamboo toggle closure. Polyester.

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<u>Şaffron Paisley</u> <u>Shawl</u> \$148



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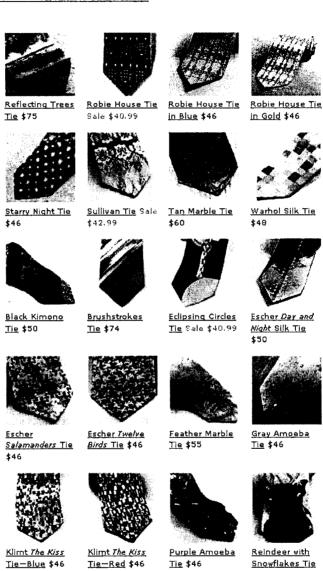
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\$245



Aqua Pearl Bracelet \$50

Bird of Paradise







Chinese Pearl Bracelet \$45

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Multicolor Circle Double Twist <u>Amber Bracelet</u> \$72



<u>Bead Bracelet</u> \$84



O'Keeffe Yellow Hickory Leaves with Daisy Bracelet \$115



Papier-Mâché Bangles Set \$30



Pop Art Bracelet \$120



Pussy Willow Bracelet \$138



Semiprecious Bead Stretch Bracelet \$26



Silk Multistrand Bracelet \$80



Water Lilies Bracelet \$155

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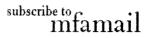
Amber Designs by Ania Davis



Barbara Silverstein



<u>Kazuri Jeweliy</u>



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Men's Accessories



<u>Pearls</u>



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Sterting and Lapis Hoop Earrings Regular price: \$36.00 Sale price: \$24.99



Member Price: \$22.49

Sterling Silver Water Lily on Suede Necklace Regular price: \$72.00 Sale price: \$36.99 Member Price: \$33.29

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Lapis and White Metal <u>Necklace</u> Regular price: \$40.00 Sale price: **\$20.99** Member Price: \$18.89



Sterling Water Lily Bangle Bracelet Regular price: \$92.00 Sale price: \$47.99 Member Price: \$43.19



showing products 1-18 of 18

Peridot Paisley Earrings Regular price: \$48.00 Sale price: \$24.99 Member Price: \$22.49



Sterling Water Lily Pod **Earrings** Regular price: \$32.00 Sale price. \$16.99 Member Price: \$15.29



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Sterling Water Lily Pads and Pods Necklace



Seba Star Necklace Regular price: \$48.00



Eye of Horus Earrings Regular price: \$48.00

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Regular price: \$162.00 Sale price: \$84.99 Member Price: \$76.49



Life, Health, Prosperity Necklace Regular price: \$54.00 Sale price: \$27.99 Member Price: \$25.19



Carnelian Scarab Pin Regular price: \$58.00 Sale price: \$29.99 Member Price: \$26.99



Geometric Sterling Cufflinks
Regular price: \$64.00
Sale price: \$02.99
Member Price: \$29.69

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Sale price: \$24.99 Member Price: \$22.49



Turquoise and Carnelian Lotus

Bracelet

Regular price: \$40.00

Sale price: \$20.99

Member Price: \$18.89



Laurel Leaf Large Collar <u>Necklace</u> Regular price: \$298.00 Sale price: \$155.99 Member Price: \$140.39



Rectangular Sterling Cufflinks
Regular price: \$64.00
Sale price: \$32,99
Member Price: \$29.69

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Sale price: \$24.99 Member Price: \$22.49



Red and Black Ellipse Necklace Regular price: \$68.00 Sale price: \$35.99 Member Price: \$32.39



Square Tongle Necklace Regular price: \$58.00 Sale price: \$29.99 Member Price: \$26.99



Sterling Circle Cufflinks
Regular price: \$64.00
Sale price: \$32.99
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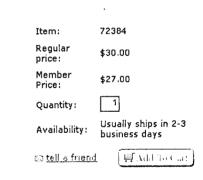
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Peacock Print Bag

About This Item

This subtly colored Peacock print bag is sturdy enough for carrying books, workout gear, lunch, personal electronics and more! It features a top zipper closure, woven cotton straps and is fully lined. There are 3 pockets (1 zip, 1 cell phone and 1 multi use) to keep you organized! The beautifully printed polyester exterior is dirt and water resistant and can be spot cleaned with a



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beautifully printed pulyester exterior is dirt and water resistant and can be spot cleaned with a

mild detergent.

W 16" x L 12.75" Woven cotton strap.

Foam backing.

Top zip closure.

Topic lining.
Inside cell phone pocket.
Interior wall zip pocket.
Multi-function pocket.
Material: 65% Polyester, 35% Cotton

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Dragon Fly Zippered Tote

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About This Item

Detail Photograph, Dragon Fly from Ehagaki Sekai, Late Meiji era, 1908. Artist Unknown, Japanese.

2002.1662

Item: 72294 Regular \$26.95 price:

Member \$24.25 Price:

Quantity:

Usually ships in 2-3 business days Availability:

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Gussetted zipper on top provides for extra capacity. 14" x 15.7" (not including straps), Strap length: 9.5".

Large front pocket: 10" x 12". Made in the USA.

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Greenery Tie \$58.00 Member Price: \$52.20





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\$58.00

Member Price: \$52.20

Yellow Swirl Silk Tie Regular price: \$48.00 Sale price: \$23.99 Member Price: \$21 59



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Member Price: \$43.20

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Regular price: \$48 NN Sale price: \$21.99 Member Price: \$19.79



Silver Chop Tie Regular price: \$48 00 Sale price: \$21.99 Member Price: \$19.79

\$48.00

Member Price: \$43.20

Silver Klimt Adele Tie

\$48.00 Member Price: \$43.20



Olive Wheel Well Tie Regular price: \$45.00 Sale price: \$24.99 Member Price: \$22.49



Green Crown Imperial Tie Regular price: \$48.00 Sale price: \$24.99 Member Price: \$22.49

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Yellow Swirl Silk Tie Regular price: \$48.00 Sale price: \$23.99

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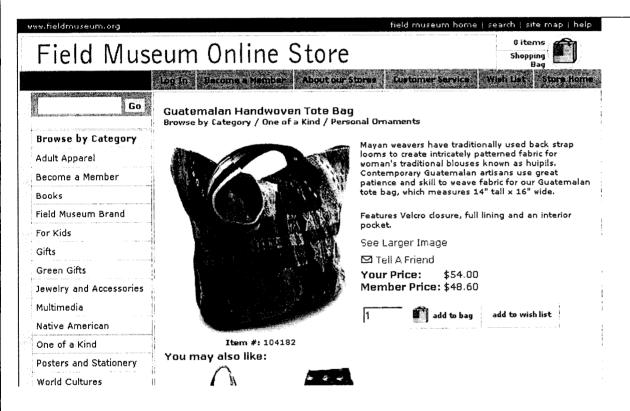
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Guatemalan Cloth By the Yard

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Item #: 111459

Our elegant carved leather handbag comes from Peruvian designer Meche Correa, who says, "My purpose is to transmit my country's artistry." Master carvers intricately detail each piece using age old techniques. Meche's designs have won acclaim in South America and Europe, and we are delighted to make these stunning bags available in our stores.

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Features interior zip and slip pockets and double magnetic closures for added safety.

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Light in weight and utterly soft in texture, our luxurious fushia cashmere shawl comes to you from Nepal, where the fibers are collected from the cashmere goats during the spring when winter coats are naturally shed. An ideal year round wrap which is warm in winter and cool in the spring.

Measures 26" x 76"

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In 2006, a sewing collective was formed to provide an ongoing source of income and healing for 25 women and their children.

These handy cotton shoppers are the perfect size to keep on hand for all your shopping around town.

Measures 14 inches \times 16 inches with double 24 inch long handles,

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Dangle Amber Earring

Item #: 107112 Your Price: \$25.00 Member Price: \$22.50



Drop Amber Earring

Item #: 107111 Your Price: \$20.00 Member Price: \$18.00



Drop Disc Garnet Earrings

Item #: 109346 Your Price: \$78.00 Member Price: \$70.20



Faceted Jasper Earrings

Item #: 064254 Your Price: \$64.00 Member Price: \$57.60



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Garnet Curve Earrings

Item #: 109785

Item #: 109781

Item #: 109782 Your Price: \$500.00 Your Price: \$500.00 Your Price: \$475.00 Your Price: \$42.00 Member Price: \$450.00 Member Price: \$427.50 Member Price: \$37.80

Item #: 109442



Garnet Drop Farrings

Item #: 100065 Your Price: \$46.00 Member Price: \$41.40



Gold Wash Ankh

Earrings Item #: 061770 Your Price: \$17.00 Member Price: \$15.30



Golden Tube Earrings

Item #: 062392 Your Price: \$26.00 Member Price: \$23.40



Hematite & Silver **Mobile Earrings**

Item #: 100357 Your Price: \$46.00 Member Price: \$41.40



Hematite & Silver **Oval Earrings**

 Item #: 061754
 Item #: 102293
 Item #: 102294
 Item #: 101241

 Your Price: \$52.00
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Hopi Dangle Earrings



Hopi Post Earrings



Inlayed Spiney Oyster Navajo Earrings





Earrings

Item #: 107749 Your Price: \$20.00 Member Price: \$18.00



Snowflake Earrings

Item #: 105784 Your Price: \$20.00 Member Price: \$18.00



Lapis & Golden Earring

Item #: 062391 Your Price: \$32.00 Member Price: \$28.80



Large Oval Carnelian Earrings

Item #: 062390 Your Price: \$34.00 Member Price: \$30.60



Leaping Salmon Earrings

Iben: #: 103838



Mexican Silver and

Turquoise Earrings Item #: 061113



Moonstone Hoop Earrings

Ilem #: 100379 Your Price: \$18.00 Your Price: \$360.00 Your Price: \$76.00 Member Price: \$16.20 Member Price: \$324.00 Member Price: \$68.40



Navajo Cross Earrings

Ilem #: 101288 Your Price: \$78.00 Member Price: \$70.20



Onyx and Druzy **Quartz Earrings**



Oval Amber Earring



Peace Symbol Earrings

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Item #: 109548 Your Price: \$140.00 Member Price: \$126.00



Pudding Stone Earrings

Item #: 106977 Your Price: \$192.00 Member Price: \$172.80



Scarab Earrings

Item #: 062375 Your Price: \$32.00 Member Price: \$28.80



Scarab Earrings

Item #: 062380 Your Price: \$32.00 Member Price: \$28.80



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Item #: 062385 Your Price: \$32.00 Member Price: \$28.80



Serpentine Face Earrings

Item #: 106970



Sterling Ankh Earrings

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Sue Cloisenne Earrings

Item #: 111320 Your Price: \$27.00 Member Price: \$24.30



Tornado Earrings

Item #: 104947 Your Price: \$40.00 Member Price: \$36.00



Tri-Color Amber Earrings



Turquoise and Coral Navaio Earrings

 Item #: 106734
 Item #: 058433
 Item #: 058045

 Your Price: \$30.00
 Your Price: \$125.00
 Your Price: \$95.00

 Member Price: \$27.00
 Member Price: \$112.50
 Member Price: \$85.50



Vesuvianite Earrings



Wire Skeleton Earrings

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Yin Yang Post Earrings

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Dean Sandoval Turquoise Cuff

Item #: 062951 Your Price: \$320.00 Member Price: \$288.00



Earth Story Bracelet Collection

Item #: 110011 Your Price: \$24.00 Member Price: \$21.60



Green Link Amber Bracelet

Item #: 038183



Hopi Maze Man Bracelet

Item #: 058695 Your Price: \$468.00 Your Price: \$190.00
Member Price: \$421.20 Member Price: \$171.00



Jose Tom Navaio Bracelet



Linnie Marino Turquoise Cuff



Navajo Inlay Cuff



Quartz Cage Bracelet

Item #: 101830

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Item #: 109683 Your Price: \$240.00 Your Price: \$385.00 Your Price: \$460.00 Member Price: \$216.00 Member Price: \$346.50 Member Price: \$414.00

Item #: 107327 Your Price: \$38.00 Member Price: \$34.20









Randall Tom Turquoise Cuff

 Item #: 062989
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 Your Price: \$465.00
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 Your Price: \$220.00

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 Member Price: \$41.40
 Member Price: \$54.00
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Scarab Charm Bracelet



Scarab Charm Bracelet



Serpentine Bracelet





Spiney Oyster Cuff Sterling Inlay Cuff



Triple Strand Egyptian Bracelet



Turquoise & Silver Navajo Cuff



Vintage Turquoise Cuff

Item #: 065003 Your Price: \$175.00 Member Price: \$157.50

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To:

Ron Jon Surf Shop of Fla., Inc. (lnktm@hotmail.com)

Subject:

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Sent:

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IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION HAS ISSUED ON 10/13/2010 FOR SERIAL NO. 77411069

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this <u>link</u> or go to http://portal.uspto.gov/external/portal/tow and enter the application serial number to <u>access</u> the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable <u>response time period</u>. Your response deadline will be calculated from 10/13/2010 (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System Response Form.

HELP: For *technical* assistance in accessing the Office action, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the <u>ABANDONMENT</u> of your application.